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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|---|--|--|------------------------------------|
| REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT | | ATTORNEY DOCKET NO. 70017.0011USWO | |
| | | U.S. APPLICATION SERIAL NO. 10/524,426 | CONFIRMATION NO. 6259 |
| | | FILING DATE December 12, 2005 | |
| | | | |
| INVENTOR(S) Limin Li et al. | | EXAMINER (If known) NOT YET ASSIGNED | ART UNIT (If known) 2627 |
| TITLE OF APPLICATION MAMMALIAN GENES INVOLVED IN RAPAMYCIN RESISTANCE AND TUMORGENESIS: RapR7 GENES | | | |

MAIL STOP: Missing Parts
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

Dear Sir:

The Patent Office is requested to provide a Corrected Official Filing Receipt for the attached.

The following correction(s) should be made to the Official Filing Receipt:

Under "Applicant(s)", please change "Bahman Aghdasi, Takoma Park, MD" to -- Bahman Aghdasi, Alexandria, VA--.

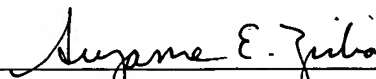
Under "Domestic Priority", please change "08/18/2003" to --08/15/2003--. In support of this change, enclosed please find a copy of a Decision on Petition issued by the USPTO granting the international filing date of August 15, 2003 for PCT/US03/26073.

Respectfully submitted,
MERCHANT & GOULD, P.C.

October 31, 2006

Date

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Steven B. Kelber
Registration No. 30,073

Suzanne E. Ziska
Registration No. 43,371

23552

Patent & Trademark Office

TRANSMITTAL FORM

(to be used on all correspondence after initial filing)

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70017.0011USWO

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EXAMINER

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GROUP ART UNIT

2627

TITLE OF APPLICATION

**MAMMALIAN GENES INVOLVED IN RAPAMYCIN RESISTANCE AND TUMORGENESIS:
RapR7 GENES**

ADDRESS TO:

**Mailstop Missing Parts
Commissioner for Patents
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450**

ENCLOSURES

- ☒ Transmittal Form
- ☒ Request for Corrected Official Filing Receipt
- ☒ Copy of Decision on Petition for PCT/US03/26073
- ☒ Marked-Up Copy of Official Filing Receipt
- ☒ Return Postcard

☒ Please charge Deposit Account No. 13-2725 in the amount of \$0.00 to cover any required fees. In the event any variance exists between this amount and the Patent Office charges for filing the above-noted documents, including any fees required under 35 CFR 1.136 for any necessary extension of time to make the filing of the attached documents timely, please charge or credit the difference to Deposit Account No. 13-2725. Further, if these papers are not considered timely filed, then a request is hereby made under 37 CFR 1.136 for the necessary extension of time.

CORRESPONDENCE ADDRESS

☒ The address associated with Customer Number: **23552** OR ☐ the correspondence address below.

Name

Address

City

State

Zip Code

| | | | |
|-----------|-------------------------|------------------|------------------|
| NAME | Steven B. Kelber | REGISTRATION NO. | 30,073 |
| SIGNATURE | <i>Suzanne E. Ziska</i> | DATE | October 31, 2006 |
| NAME | Suzanne E. Ziska | TELEPHONE | 202 326-0300 |
| | | REGISTRATION NO. | 43,371 |



08 JAN 2004

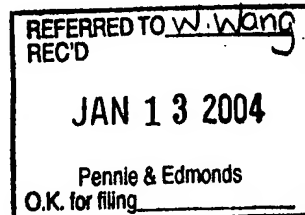
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www.uspto.gov

LAURA A. CORUZZI
PENNIE & EDMONDS LLP
1155 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10036



In re Application of
FUNCTIONAL GENETICS, INC. et al.
PCT No.: PCT/US03/26073 ✓
Int. Filing Date: 15 August 2003 ✓
Priority Date: 15 August 2002 ✓
Attorney's Docket No.: 10784-25-228 ✓
For: MAMMALIAN GENES INVOLVED IN
RAPAMYCIN RESISTANCE AND TUMORGENESIS:
RAPR7

DECISION ON
PETITION

This decision is in response to applicant's "PETITION TO THE COMMISSIONER REGARDING INTERRUPTION IN POSTAL SERVICE ON AUGUST 14 AND 15, 2003" filed on 06 November 2003 in the United States Receiving (RO/US), which has been treated as a request under 37 CFR 1.6(e). No petition fee is required.

BACKGROUND

On 18 August 2003, applicants filed international application PCT/US03/26075 in the United States Receiving Office (RO/US) using Express Mail service claiming priority to a United States patent application filed 15 August 2002.

On 06 October 2003, the United States Receiving Office (RO/US) mailed an Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) notifying applicant that an international filing date of 18 August 2003 was accorded.

On 06 November 2003, applicant filed the instant petition requesting that the above-identified international application filed 18 August 2003 be accorded a receipt date of 15 August 2003 because applicant attempted to deposit the original application papers with the United States Postal Service (USPS) by Express Mail on 15 August 2003 but such deposit was not possible due to a power outage.

DISCUSSION

The USPTO Pre-OG Notice, published on 19 August 2003, acknowledged that "the power outage on Thursday, August 14, 2003, resulted in a number of United States Postal Service (USPS) post offices through the Northeast and Midwest United States being closed or not accepting mail." The USPTO published a notice on Friday August 15, 2003 designating this interruption in the service of the USPS as a postal service interruption and an emergency within the meaning of 35 U.S.C. §21(a) and 37 CFR 1.6(e). The USPS notified the USPTO that this

interruption in the service ended on Saturday, August 16, 2003.

The USPTO advised applicants that correspondence that would have been filed with the USPTO under 37 CFR 1.10 on Thursday, August 14, 2003 through Saturday, August 16, 2003, but which was not filed due to the USPS service interruption, should now be filed with the USPTO under 37 CFR 1.10 with a statement that the correspondence would have been deposited with the USPS on Thursday, August 14, 2003, Friday, August 15, 2003 or on Saturday, August 16, 2003 but for this designated interruption in the "Express Mail" service of the USPS.


Petitioner mailed the Request via Express Mail (Express Mail Label Number EV327390740US) on 18 August 2003 and provided the statement "THIS APPLICATION WOULD HAVE BEEN DEPOSITED WITH THE USPS BUT FOR THE DESIGNATED INTERRUPTION OR EMERGENCY IN EXPRESS MAIL SERVICE." This document was signed by David Weild, III. Accordingly, the application papers have been accorded a receipt date of 15 August 2003.

CONCLUSION

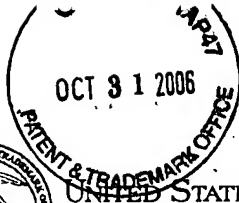
For the reasons set forth above, applicant's request that the application be accorded a receipt date of 15 August 2003 is GRANTED in accordance with 37 CFR 1.6(e).

The Form PCT/RO/105 mailed 06 October 2003 is hereby VACATED.

The application is being returned to the RO/US for (1) correction of the application file and USPTO records to indicate an international filing date of **15 August 2003**, (2) mailing of a NOTIFICATION OF THE INTERNATIONAL APPLICATION NUMBER AND OF THE INTERNATIONAL FILING DATE (Form PCT/RO/105) indicating the date of receipt of the Request as **15 August 2003** and (3) mailing of a copy of this decision and a copy of the PCT/RO/105 to the International Bureau.


Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (703) 306-5467

cc: The International Bureau of WIPO
34, chemin des Colombettes
1211, Geneva 20 Switzerland



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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 Alexandria, Virginia 22313-1450
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| APPL NO. | FILING OR 371 (c) DATE | ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO | DRAWINGS | TOT CLMS | IND CLMS |
|------------|---------------------------|----------|---------------|------------------|----------|----------|----------|
| 10/524,426 | 12/12/2005 | 2627 | 14790 | 5398-011-27 NATL | 35 | 137 | 37 |

23552
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 MINNEAPOLIS, MN 55402-0903

MERCHANT & GOULD
 RECEIVED

OCT 18 2006

D.C. OFFICE

CONFIRMATION NO. 6259

CORRECTED FILING RECEIPT



OC00000020550551

Date Mailed: 09/22/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Limin Li, North Bethesda, MD;
 Bahman Aghdasi, Takoma Park, MD; *Alexandria, VA*

Power of Attorney: The patent practitioners associated with Customer Number 23552.

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US03/26073 ~~08/18/2003~~ *--08/15/2003--*
 which claims benefit of 60/404,311 08/15/2002
 (*)Data provided by applicant is not consistent with PTO records.

Foreign Applications

If Required, Foreign Filing License Granted: 07/19/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/524,426**

Projected Publication Date: 10/26/2006

Non-Publication Request: No

Early Publication Request: No

Title

**Preliminary Class**

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PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).